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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
FRANCISCO LUIS MCARTHUR,  
  
Defendant.

Case No. 2:20-mj-01002-DJA

**ORDER to Extend Deadlines to  
Conduct Preliminary Hearing and  
File Indictment (First Request)**

IT IS HEREBY STIPULATED AND AGREED, by and between Christopher Chiou, Acting United States Attorney, and Simon Kung, Assistant United States Attorney, counsel for the United States of America, and Rene L. Valladares, Federal Public Defender, and Margaret W. Lambrose, counsel for Defendant Francisco Luis McArthur, that the Court vacate the preliminary hearing scheduled for May 2, 2022, at 4:00 p.m. and reschedule the hearing for a date and time convenient to this Court, but no sooner than 60 days from the currently scheduled date. This request requires that the Court extend two deadlines: (1) that a preliminary hearing be conducted within 14 days of a defendant's initial appearance, *see* Fed. R. Crim. P. 5.1(c); and (2) that an information or indictment be filed within 30 days of a defendant's arrest, *see* 18 U.S.C. § 3161(b).

1 This stipulation is entered into for the following reasons:

2 1. Under Federal Rule of Criminal Procedure 5.1(c), the Court “must hold the  
3 preliminary hearing within a reasonable time, but no later than 14 days after the initial  
4 appearance if the defendant is in custody . . . .”

5 2. However, under Rule 5.1(d), “[w]ith the defendant’s consent and upon a  
6 showing of good cause—taking into account the public interest in the prompt disposition of  
7 criminal cases—a magistrate judge may extend the time limits in Rule 5.1(c) one or more  
8 times . . . .”

9 3. Furthermore, under the Speedy Trial Act, 18 U.S.C. § 3161(b), “[a]ny  
10 information or indictment charging an individual with the commission of an offense shall be  
11 filed within thirty days from the date on which such individual was arrested or served with a  
12 summons in connection with such charges. If an individual has been charged with a felony  
13 in a district in which no grand jury has been in session during such thirty-day period, the  
14 period of time for filing of the indictment shall be extended an additional thirty days.”

15 4. Defendant needs additional time to review information provided by the  
16 government and investigate potential defenses.

17 5. Moreover, the parties have entered into negotiations in an attempt to  
18 promptly resolve this case and reduce the judicial and government resources required by  
19 this case. The defense requires additional time to adequately advise Defendant regarding  
20 any plea negotiations.

21 6. The additional time requested herein is not sought for the purposes of delay,  
22 but to allow counsel for Defendant sufficient time to effectively and thoroughly research and  
23 prepare and to determine whether to proceed with a preliminary hearing and indictment or  
24 to resolve this case through negotiations.

7. Accordingly, the parties jointly request that the Court schedule the preliminary hearing in this case no sooner than 28 days from the currently scheduled date.

8. Defendant is in federal custody but agrees to the extension of the 14-day deadline imposed by Rule 5.1(c) and the deadline imposed by 18 U.S.C. § 3161(b), waives any right to remedies under Rule 5.1(c) or 18 U.S.C. § 3161(b), and requests that the time between Defendant's initial appearance on April 18, 2022, and the rescheduled preliminary hearing be excluded in computing the time within which an information or indictment must be filed under 18 U.S.C. §3161(b).

9. The parties agree to the extension of these deadlines.

10. Accordingly, the additional time requested by this stipulation is (a) allowed under Federal Rule of Criminal Procedure 5.1(d); and (b) excludable in computing the time within which the defendant must be indicted and the trial herein must commence pursuant to the Speedy Trial Act, 18 U.S.C. § 3161(b) and (h)(7)(A), considering the factors under 18 U.S.C. § 3161(h)(7)(B)(i) and (iv).

11. This is the first request for an extension of the deadlines by which to conduct the preliminary hearing and to file an indictment.

DATED this 26th day of April, 2022.

Respectfully submitted,

RENE L. VALLADARES  
Federal Public Defender

CHRISTOPHER CHIOU  
Acting United States Attorney

/s/ Margaret W. Lambrose  
MARGARET W. LAMBROSE  
Assistant Federal Public Defender

/s/ Simon F. Kung  
SIMON F. KUNG  
Assistant United States Attorney

**UNITED STATES DISTRICT COURT  
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UNITED STATES OF AMERICA,

Plaintiff,

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FRANCISCO LUIS MCARTHUR,

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**ORDER on Stipulation to  
Continue Preliminary Hearing and  
Deadline to Indict Defendant**

Based on the stipulation of counsel, good cause appearing, and the best interest of justice being served; the time requested by this stipulation being excludable in computing the time within which the defendant must be indicted and the trial herein must commence pursuant to the Speedy Trial Act, 18 U.S.C. § 3161(b) and (h)(7)(A), and Federal Rule of Criminal Procedure 5.1, considering the factors under 18 U.S.C. § 3161(h)(7)(B)(i) and (iv):

IT IS THEREFORE ORDERED that the preliminary hearing currently scheduled for May 2, 2022 at the hour of 4:00 p.m., be vacated and continued to June 6, 2022, at 4:00 p.m., Courtroom 3A.

27th  
DATED this \_\_\_\_ day of April, 2022.



HONORABLE DANIEL J. ALBREGTS  
UNITED STATES MAGISTRATE JUDGE